

TWENTY-SIXTH DAY

(Monday, February 27, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 23, 1967 was dispensed with and the Journal was approved.

Designation of Presiding Officer

Austin, Texas,
February 27, 1967.

Hon. A. M. Aikin, Jr., State Senator
Capitol Station, Austin, Texas.

Dear Senator Aikin: I hereby designate you to serve as presiding officer of the Senate on February 27, 1967.

Sincerely,
PRESTON SMITH

Leaves of Absence

Senator Parkhouse was granted leave of absence for today on account of important business on motion of Senator Wade.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Schwartz.

Senator Wilson was granted leave of absence for today on account of illness on motion of Senator Moore.

**Senate Bills and Resolutions
on First Reading**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 300, A bill to be entitled "An Act relating to the annual salary of the County Road Engineer; amending Section 6, Chapter 178, Acts of the 50th Legislature, 1947, as amended (Article 6716-1, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Ratliff and Herring:

S. B. No. 301, A bill to be entitled "An Act amending Article 4495 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the composition of the Texas State Board of Medical Examiners; their qualification; terms of office, their appointment; and amending Article 4506, of the Revised Civil Statutes of Texas, 1925, as amended, so as to grant authority to the Texas State Board of Medical Examiners to probate its orders to revoke, cancel, or suspend the license of a practitioner; providing the procedure whereby such probation may be effectuated; repealing laws in conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 302, A bill to be entitled "An Act relating to reports of certain eye injuries in the schools; amending Chapter 58, Acts of the 59th Legislature, Regular Session, 1965 (Article 2919i, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Education.

By Senators Schwartz, Mauzy and Strong:

S. B. No. 303, A bill to be entitled "An Act to repeal Articles 5383 through 5403, inclusive, Vernon's

Texas Civil Statutes; provided that any applications for Patents of Mineral Rights which have not been issued by the General Land Office on the effective date hereof shall be null and void; enacting a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Connally:

S. B. No. 304, A bill to be entitled "An Act regulating the business conduct of livestock markets; creating a livestock market board; vesting authority for the administration of the Act in the board and prescribing its duties and powers; providing for a charter; requiring a showing of financial responsibility and convenience and necessity and annual license; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Grover:

S. B. No. 305, A bill to be entitled "An Act creating an Urban Mass Transportation Commission for the State of Texas; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Word and Hall:

S. B. No. 306, A bill to be entitled "An Act amending Section 1, Chapter 323, Acts of the 52nd Legislature, 1951 as amended, to make the county fire marshal law applicable to all counties; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 307, A bill to be entitled "An Act amending Chapter 101, Acts of the 59th Legislature with reference to the funds from which bonds are to be paid and with reference to the investment of funds and the use of income from investments; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. J. R. No. 22, Proposing a constitutional amendment authorizing the Legislature to appropriate to cities and counties a portion of the receipts from the limited sales, excise and use tax.

To the Committee on Constitutional Amendments.

By Senator Bernal:

S. J. R. No. 23, Proposing an amendment to Article VIII, Constitution of the State of Texas, by adding a new Section 10a authorizing the Legislature to provide that a portion of the State's share of ad valorem taxes collected in a county, under certain conditions, may be released for use by that county.

To the Committee on Constitutional Amendments.

Presentation of Guest

The Presiding Officer (Senator Aikin in the Chair) presented as a guest of the Senate today, Mrs. Tom Bates, the mother of Senator Bates and extended to her the welcome of the Senate.

Senate Concurrent Resolution 27

Senator Hazlewood offered the following resolution:

S. C. R. No. 27, Requesting the State Highway Department to designate "The Charles Goodnight Trail."

Whereas, The 43rd Legislature adopted H. C. R. No. 11 designating the scenic route, if and when constructed, from U. S. Highway 287 through the Palo Duro State Park to the Goodnight Ranch, as "The Charles Goodnight Trail"; and

Whereas, This highway, now known as State Highway 217, has not been constructed in its entirety but ends at the Palo Duro State Park; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the State Highway Department be requested to designate State Highway 217 from U. S. Highway 287 to Palo Duro State Park as "The Charles Goodnight Trail"; and, be it further

Resolved, That if and when this scenic highway is extended through the Park and beyond, that it also be designated as a part of "The Charles Goodnight Trail".

The resolution was read.

Senator Hazlewood moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 27 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

The resolution was then adopted.

Senate Bill 270 Re-referred

On motion of Senator Blanchard and by unanimous consent S. B. No. 270 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Affairs.

Senate Bill 271 Re-referred

On motion of Senator Blanchard and by unanimous consent S. B. No. 271 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Affairs.

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
February 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 300, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Motion to Place

Senate Bill 108 on Second Reading

Senator Cole moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 108 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—23

Aikin	Jordan
Bates	Mauzy
Bernal	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Connally	Strong
Hall	Wade
Harrington	Watson
Hazlewood	Word
Hightower	

Nays—3

Grover	Herring
Hardeman	

Absent

Berry

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

Senate Bill 190 on Second Reading

Senator Watson moved that Senate Rules 116, 13, 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 190 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 190, A bill to be entitled "An Act relating to the compensation of the official shorthand reporters for the 19th, 54th, and 74th Judicial Districts of Texas; and declaring an emergency."

The bill was read second time.

Senator Watson offered the following Committee Amendment:

Amend Section 1 of Senate Bill No. 190 to read as follows:

"Section 1. The official shorthand reporters for the 19th, 54th, and 74th Judicial Districts shall each receive a salary of not more than \$10,000 a year. Within this limit, the commissioners court of McLennan County shall determine the salary of each reporter by order entered in its minutes and shall pay the salary in the manner provided by law."

The Committee Amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 190 on Third Reading

Senator Watson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

Senate Bill 108 on Second Reading

Senator Cole moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 108 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Connally	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Nays—2

Grover	Herring
--------	---------

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 108, A bill to be entitled "An Act amending subsection (4)c of Section 1 of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949 (compiled as subsection (4)c under Section 1 of Article 2922-13, V.T.C.S.) to provide for supervisor units for approved exceptional children education programs, prescribing the formula for the allocation of such exceptional children supervisor unit(s) and by reference the applicable minimum salary schedule; providing for an effective date of this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of S. B. No. 108 to engrossment.

Senate Bill 108 on Third Reading

Senator Cole moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Connally	Strong
Hall	Wade
Hardeman	Watson
Harrington	Word
Hazlewood	

Nays—2

Grover	Herring
--------	---------

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Word

Nays—1

Grover

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

Motion to Place

Senate Bill 140 on Second Reading

Senator Watson moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 140 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—24

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Grover	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Word

Present—Not Voting

Blanchard	Strong
Herring	

Absent—Excused

Creighton	Parkhouse
Kennard	Wilson

Vote on Final Passage of Senate Bill 108 Reconsidered

On motion of Senator Word and by unanimous consent the vote by which

S. B. No. 108 was finally passed today was reconsidered.

Question—Shall S. B. No. 108 be finally passed?

Welcome Resolutions

S. R. No. 169—By Senator Word: Extending welcome to Civics Class of Leahey High School.

S. R. No. 170—By Senator Herring: Extending welcome to Third and Fourth Grade Classes of Maplewood Elementary School of Austin.

Adjournment

On motion of Senator Hardeman the Senate at 11:15 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,
February 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 24 "An Act setting aside for park purposes only the mineral estate of certain land in the Counties of Culberson and Hudspeth to be used as a part of the Guadalupe Mountains National Park; making other provisions relating to the creation of Guadalupe Mountains National Park; providing certain powers and duties of the Commissioner of the General Land Office and other officials relating thereto; providing a severability clause; providing a repealing clause; providing a reverter clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

February 27, 1967

S. B. No. 39
S. B. No. 111
S. B. No. 112
S. B. No. 74
S. B. No. 14
S. B. No. 9

TWENTY-SEVENTH DAY

(Tuesday, February 28, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Connally	Strong
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word
Herring	

Absent—Excused

Creighton	Kennard
Hazlewood	Parkhouse

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Parkhouse was granted leave of absence for today and the remainder of the week on account of illness in the family on motion of Senator Hardeman.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Brooks.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 28, 1967.